

REMARKS

At the time of the Office Action dated May 31, 2006, claims 1-14 were pending and rejected in this application. Claims 1-2, 6, and 11 have been amended to clarify the invention recited therein. Claim 15 has been added. Applicant submits that the present Amendment does not generate any new matter issue.

On pages 2 and 3 of the Office Action, the Examiner objected to claims 1-14, alleging "inconsistent terminology and terminology requiring interpretation or definition by the Examiner." At the outset, Applicant notes that interpreting claim language (i.e., claim construction) is normal and expected part of examination a patent application. Applicant will address the Examiner's "interpretations" further below. However, the fact that the Examiner believes certain claimed terms may require claim construction is not the basis for an objection. Although the Examiner states that "[a]ppropriate correction is required," Applicant is unclear as to both the legal basis for requiring correction and what that correction might be. Since the Examiner has failed to establish a proper objection, Applicant respectfully solicits withdrawal thereof.

**CLAIMS 1-14 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY
SCHOLZ ET AL., U.S. PATENT PUBLICATION NO. 2003/0078949 (HEREINAFTER SCHOLZ)**

On pages 4-13 of the Office Action, the Examiner asserted that Scholz discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

At the outset, Applicant incorporates herein all the arguments previously presented in the Amendment filed March 8, 2006. The Examiner's comments in the Final Office Action have not addressed Applicant's arguments that the Examiner has failed to establish a proper rejection under 35 U.S.C. § 102. For example, the Examiner has still failed to clearly designate the teachings in Scholz being relied upon the statement of the rejection as required by 37 C.F.R. § 1.104(c).¹

Applicant does note that the Examiner has attempted to construe certain claim limitations. However, in certain instances, the Examiner's analysis fails to properly establish the ordinary and customary meaning associated with these claims limitations given their broadest reasonable interpretation by one having ordinary skill in the art.

For example, independent claims 1 and 10 recite a "validation script library" that packages a validation process/routine and independent claims 6 and 11 recite a "validation process" disposed in a "validation library." On page 3 of the Final Office Action, the Examiner that the term "validation script library" is construed as a "client side input validator." Applicant questions, however, how the Examiner arrived at this interpretation. Specifically, whereas the term "validation script library" implies that the validation script is located within a "library," the Examiner's interpretation of "client side input validator" implies that the input validator (i.e., corresponding to the claimed validations script) is located in the client.

¹ 37 C.F.R. § 1.104(c) provides:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

Notwithstanding that Applicant has clarified the invention recited in claim 1 by reciting that the validations script device is within the client device, the Examiner's interpretation of "validation script library" improperly broadens the scope of the claimed term beyond the reasonable broadest interpretation of the term by one having ordinary skill in the art. The Examiner's analysis provides little explanation as to why the Examiner believes "library" and "client side" to be comparable. By analogy, the Examiner's analysis would interpret the phrase "a computer disposed within a library," which happens to be within a building, to mean "a computer is disposed within the building." In essence, the Examiner has completely ignored the limitation of "library."

As another example, the Examiner asserted that the term "disposed within markup" means that "the invention used a markup computer language." How the Examiner arrived at this interpretation, however, is again unclear. Notwithstanding the Examiner's lack of analysis, the Examiner has improperly failed to recognize that the term "disposed within markup" establishes a relationship between a library reference and markup such that "a library reference ... [is] disposed within markup," as recited in claim 2. By merely asserting that the invention uses a markup computer language, the Examiner has ignored this claimed relationship between the library reference and markup.

Claim 1

In the prior Amendment, Applicant argued the following with regard to claim 1:

Moreover, the Examiner's rejection is ambiguous as to what particular features in Scholz allegedly disclose the particular features recited in the claims. Assuming, for sake of argument, that the Examiner is asserting that the form processor 808 identically discloses the claimed

validation processor and the tag library 816 identically discloses the claimed validation script library, then these features fail to identically disclose the claimed invention. As illustrated in Fig. 8 of Scholz the tag library 816 is not "packaging" the form processor, as recited in claim 1. Instead, the tag library 816 is separate from the form processor 808. Moreover, the form processor 808 does not receive "form based input" (i.e., input received in a form), as recited in claim 1. Instead, the form processor 808 receives input form definitions 806 from which the form processor 808 creates output form definitions 818 (see Fig. 8 of Scholz).

The Examiner's response to Applicant's arguments regarding claim 1 is found on page 14 of the Final Office Action. The Examiner, however, did not address the substance of these arguments. Specifically, Applicant based these arguments based upon certain interpretations of Scholz with regard to the claimed limitations. The Examiner, however, neither corrected Applicant's interpretations as to certain teachings in Scholz allegedly disclosing certain claimed features nor refuted Applicant's accompanying analysis. In this regard, the Examiner is referred to M.P.E.P. § 707.07(f), which states that "the Examiner, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." The Examiner's response on page 14 is merely a blanket statement that the Examiner disagrees with Applicant without any accompanying analysis.

Moreover, Applicant notes that claim 1 has been amended to clarify that "the validation processor separate from said markup." In contrast, paragraph [0092] of Scholz specifically teaches the opposite of this limitation when Scholz teaches that "[t]he form itself includes the validation code and thus performs the validation at the client." Thus, Scholz fails to identically disclose the claimed invention, as recited in claim 1, within the meaning of 35 U.S.C. § 102.

Claims 6 and 11

With regard to independent claims 6 and 11, Applicant previously argued that "the claims recite that the validation process is separate from the form, whereas Scholz teaches that the form

itself performs the validation." The Examiner's response to this argument is found on pages 16 and 17 of the Final Office Action, in which the Examiner asserted:

Applicant argues that Scholz does not teach a separate form validation process.
The Examiner disagrees.
See, Scholz, paragraph [0116], teaching a "form processor" as a separate component or module.

Despite Applicant referring to this passage in the prior Amendment and also above in the present Amendment, the Examiner is again referred to the last sentence of paragraph [0092] of Scholz, which unambiguously states that "[t]he form itself includes the validation code and thus performs the validation at the client (referred to as client-side validation)."

The Examiner's reference to the form processor 808 is inapposite. Paragraph [0105] of Scholz describes that the "form processor 808 generates a temporary form definition 814" and that the purpose of the form processor 808 illustrated in Fig. 8 of Scholz is to generate "output form definitions 818," which are "written in a source code that defines the contents of the forms" (see paragraph [0113]). Thus, the form processor 808 is not comparable to the claimed validation process. Instead, the form processor 808 outputs validation code that is used within a form to validate form based input. Thus, Applicant submits that Scholz fails to identically disclose the claimed invention, as recited in claims 6 and 11, within the meaning of 35 U.S.C. § 102.

Claim 10

Claim 10 recites that the validation process is separate from at least one form based input field in markup, whereas Scholz teaches that the form/markup itself performs the validation. Thus, Applicant submits that Scholz fails to identically disclose the claimed invention, as recited in claim 10, within the meaning of 35 U.S.C. § 102.

Therefore, for the reasons stated above, Applicant respectfully solicits withdrawal of the imposed rejection of claims 1-14 under 35 U.S.C. § 102 for anticipation based upon Scholz.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

Although Applicant believes that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: August 30, 2006

Respectfully submitted,

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